IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O. O. C. J.

SUIT NO.132 OF 1987

Lipi Boilers Pvt. Ltd. & Anr. ..Plaintiffs.
Vs.
Salar Jung Sugar Mills Ltd. & Others ..Defendants.

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Mr. Nilesh Vedpathak i/b Divekar & Co. for the Plaintiffs.
Ms. Kavita Hotwani i/b K.V. Aiyar & Associates for Defendant No.1.
Mr. S. Purohit i/b Pandya Gandhi & Co. for Defendant No.2.
Ms. Sarkar i/b M. Munim & Co. for Defendant No.3.

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CORAM: **DR. D.Y. CHANDRACHUD, J.**

19th November, 2007.

P.C. :

The hearing of this Suit has been repeatedly adjourned on several occasions in the past despite which, it would appear that no steps have been taken by the Plaintiffs for pursuing the proceedings. On 25th August, 2006, 1st September, 2006 and 9th November, 2006 the Suit was adjourned by Mr. Justice S.J. Vazifdar. On 25th January, 2007 an adjournment was specifically sought before Mr. Justice S.A. Bobde in order to file an affidavit in lieu of the examination-in-chief. The Suit was directed to stand over for one week. Again on 9th February, 2007 the Suit was adjourned for a further period of two weeks for the same purpose.

When the Suit was called out on 8th March, 2007 for filing of the affidavit of evidence, a further adjournment was granted for four weeks. Counsel appearing for the Plaintiffs has placed on the record a copy of the communication addressed on 10th March, 2007 to the Plaintiffs calling upon the Plaintiffs to furnish instructions immediately together with the original documents. The learned counsel states that no instructions have been forthcoming. The Suit is accordingly dismissed for want of prosecution.